

DEAB October 2, 2025

Summary of Proposed Shoreline Updates (WACs 173-26 and -27)

Background

Ecology is in rulemaking to update several WAC associated with the Shoreline Management Act. Staff has reviewed and provided comment to Ecology on the public drafts released over the summer. Substantive changes that could potentially impact Clark Co. are in the drafts of WACs 173-26 and -27. Once adopted, the County will not be required to update our Shoreline Master Program until our schedule 2030 Periodic Update.

Key Update issues

1. Criteria for designating Channel Migration Zones – the current rules allow jurisdictions to designate CMZs in addition to relying on FEMA flood hazard maps, the proposed rules retain this option but provide a methodology for designating CMZs.
2. Addition of Climate Change Considerations
 - a. Sea Level Rise Hazard Area: Not applicable to Clark Co. in draft – Shoreline Jurisdictions required to comply are designated in the proposed rule and Clark county is NOT included.
3. Critical Freshwater Habitat definition – The draft notes that a definition will be added, but the term does not appear elsewhere in draft rules.
4. Environmental Justice considerations – This is new process required for SMP updates and amendments that requires identification of, and outreach to vulnerable populations/overburdened communities.
5. “Floodway” is defined for jurisdictions that have not adopted FEMA mapping – We use FEMA mapping.
6. Hazard trees – The current rules do not have provisions or special consideration for hazard trees, the proposed rule required and Arborist report to certify the hazard and 3:1 mitigation (replacement) for authorized hazard tree removal. It is not clear is Hazard tree removal could be approved through a Shoreline Exemption or would require and SSDP.
7. Shoreline Amendment Process - New requirements for the County to follow when updating or amending the SMP:
 - a. 10 year periodic review cycle _ currently its 8 years
 - b. Discretionary amendments might be required to include any updates to RCW/WAC Ecology guidelines.
 - c. Outreach to vulnerable populations/overburdened communities
8. Specific standards for protection of Shoreline Ecological Functions:
 - a. Mitigation sequence – We already include this through our reference to the CAO.
 - b. Specific Riparian Area standards– it is unclear if the proposed language aligns with WDFW PHS definition.
 - c. Add the term “shoreline buffer” (i.e. setbacks) – Current setbacks for ecological functions will be relabeled as ”buffers.” There are no changes to related standards.

- d. Enhancement or extension of degraded buffers? – There is proposed language regarding the need to enhance or enlarge degraded buffers even if no new impacts are proposed. It is not clear in the draft if this is a recommendation or requirement. Staff is opposed to this approach regardless of Ecology’s intent and has commented accordingly.
9. Some activities in wetland buffers that are permissible outside shoreline may be prohibited:
- a. Retaining walls; and
 - b. Additional restrictions on vegetation removal.
- Staff has commented that SMP Ecological Function standards should be consistent with CAO standards.
10. Any management of non-noxious invasive vegetation may require a Shoreline authorization.
11. More rigorous standards for Shoreline stabilization:
- a. Alternatives analysis required; and
 - b. Ecological impact analysis required.
12. Shops and number of garage bays removed from “Normal Residential Appurtenance.” The proposed rules are unclear if detached garages are “normal” and if there are size limitations. Staff has asked for clarification in comments.
13. WDFW habitat restoration exemption is proposed to be removed – projects must qualify for pre-emption (e.g. streamline JARPA).
14. Proposed rules require Statements of Exemption to be sent to Ecology.
15. Proposed rules provide that Shoreline Variances must still meet no net loss of Shoreline ecological functions – This is a codification of Ecology’s interpretation of the current variance standards.